

ORIGINAL

FILED
DISTRICT COURT OF GUAM

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MARY L.M. MORAN
CLERK OF COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM**

9 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 03-00044
10 Plaintiff,)
11 vs.) GOVERNMENT'S MOTION
12) FOR A DOWNWARD DEPARTURE
13) UNDER USSG § 5K1.1 AND
14) 18 U.S.C. § 3553(e)
15 TOO KA-KEUNG,)
16 Defendant.)

17 Comes now the United States and moves, pursuant to USSG § 5K1.1 and 18 U.S.C.
18 § 3553(e), for a downward departure from the applicable total offense level to Level 29, which will
19 yield an advisory guideline range of 87 to 108 months with Criminal History Category I.

20 The defendant has provided substantial assistance to agents with the Drug Enforcement
21 Administration in their investigation of drug trafficking activities. The defendant was indicted with
22 his associate Mak Kam Fai a/k/a Mak Fai in the instant case. After his decision to cooperate with
23 law enforcement, the defendant fully informed the government of his knowledge of Mak Kam Fai's
24 drug-related activities involving the shipment of methamphetamine and other drugs to Guam and
25 elsewhere. Upon learning of the defendant's willingness to testify in Mak Kam Fai's trial in Guam,
26 said co-defendant, who is presently in custody in the Southern District of New York (SDNY) on
27 other federal charges, elected to transfer his Guam case for plea and sentence in the SDNY.

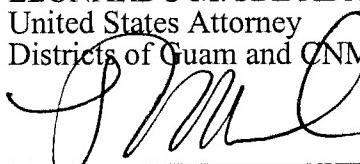
As well, the defendant would have been a government witness and available to testify in the

1 trial of U.S. v. Wing Kwong Cheung a/k/a Ricky, CR# 04-00013, however, no such trial was
2 necessary since Cheung pleaded guilty, and received a sentence of 151 months on June 10, 2005.

3 For all these reasons, a downward departure to Level 29 is appropriate and the government
4 will recommend the minimum term under said range.

5 RESPECTFULLY SUBMITTED this 17th day of November 2006.

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7 LEONARDO M. RAPADAS
8 United States Attorney
9 Districts of Guam and CNMI
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11 By: 
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